

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB400)

Received: 06/01/2005

Received By: **pkahler**

Wanted: **Today**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **herself**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - cust./plac./vis.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Contempt for moving first

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 06/02/2005	kfollett 06/06/2005		_____			
/1			rschluet 06/06/2005	_____	mbarman 06/06/2005	mbarman 06/06/2005	

FE Sent For:

<END>

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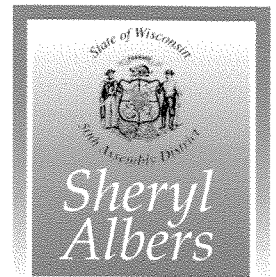
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FE Sent For:

<END>



To: LRB – Drafting
From: Representative Sheryl K. Albers

Date: May 31, 2005

Subject: Amendment to Assembly Bill 400

PTK

Please draft two amendments to 2005 Assembly Bill 263 that would accomplish the following:

- 1. If one party brings a case to court, after having already moved with the child, then that party can be found in contempt. The intent of the amendment is that the parent should not be able to first make the move, and then go to court to ask for permission.
- 2. While parties may have side agreements in court, if one parent moves with the child, that parent must be willing to compensate the other parent. The court should reject any deal that fails to provide compensation to the other parent.

Please contact Rep. Sheryl Albers at (608) 516-2140 with any questions you might have.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa0683/9

PJK: [signature]

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT ,

TO 2005 ASSEMBLY BILL 400

SOON
(no later than
6-7)
D-note

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 9: delete the material beginning with that line and ending with
3 page 4, line 2.

4 2. Page 6, line 9: after that line insert:

5 "SECTION 14m. 767.327 (8) of the statutes is created to read:

6 767.327 (8) CONTEMPT OF COURT. If a parent who is required to provide notice
7 under sub. (1) moves with or removes the child without or before providing notice in
8 violation of the order under sub. (1), or if a parent who receives a notice of objection
9 under sub. (2) (a) moves with or removes the child before the dispute is resolved or
10 the final order of the court under sub. (3) in violation of sub. (2) (b), the court shall
11 find the parent who moves with or removes the child in contempt of court under ch.
12 785, upon the motion of the other parent, and shall order the parent who moves with

1 or removes the child to pay the court costs and, notwithstanding s. 814.04 (1),
2 reasonable attorney fees incurred by the other parent.”.

3 **3.** Page 6, line 15: delete “and (5m)” and substitute “(5m), and (8)”.

4 **4.** Page 6, line 15: delete “, the renumbering of”.

5 **5.** Page 6, line 16: delete that line.

6 **6.** Page 6, line 17: delete “of the statutes first apply” and substitute “first
7 applies”.

8 (END)



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0683/2dn

PJK:.....

Date

Representative Albers:

This amendment may do a little more than your instructions requested, but since the bill already provided for a contempt penalty if a parent went ahead with a move after receiving a notice of objection from the other parent, it made sense to combine the two provisions, i.e., provide a contempt penalty for a parent who moves with the child before the matter is resolved, either before sending notice or after sending notice and receiving an objection from the other parent.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0683/ldn
PJK:kjfrs

June 6, 2005

Representative Albers:

This amendment may do a little more than your instructions requested, but since the bill already provided for a contempt penalty if a parent went ahead with a move after receiving a notice of objection from the other parent, it made sense to combine the two provisions, i.e., provide a contempt penalty for a parent who moves with the child before the matter is resolved, either before sending notice or after sending notice and receiving an objection from the other parent.

Pamela J. Kahler
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Phone: (608) 266-2682
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